IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 23118 of 2007(B)

PETITIONER:

T.K.KUNJUMOIDEENKUTTY,
PROPRIETOR, HILLWAY TOURIST HOME, CHALAKKUDY,
THRISSUR.

BY ADV. SRI.K.RAMACHANDRAN
SRI.K.K.MOHAMED RAVUF

RESPONDENTS:

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1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, VAIDYUTHI BHAVAN,
THIRUVANANTHAPURAM.

2. ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICAL SECTION, CHALAKKUDY.

3. DEPUTY CHIEF ENGINEER,
ELECTRICAL CIRCLE, IRINJALAKKUDA.

4. M.MOHAMMED HAROON,
MEHBOOB MANZIL, ANAMALA ROAD, CHALAKKUDY.

5. M.P.ABDUL SALAM HAJI, S/O. MOHAMMED
KAZHIM HAJI, MELULLA PURAYIL, P.O.TIRURANGADI,
MALAPPURAM DISTRICT, PIN-676 306.

R1 TO R3 BY SC SRI. P.P. THAJUDEEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/07/2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 23118 OF 2007

Dated this the 27th day of July, 2007

JUDGMENT

Heard counsel for the petitioner and standing counsel for the KSEB. There is no need to issue notice to respondents 4 and 5 as the dispute between the petitioner and respondents 4 and 5 should be settled in any other forum or civil court. The tourist home purchased by the petitioner had electricity connection. It seems arrears were contested by the previous owners, namely, respondents 4 and 5 and they have thereafter withdrawn the contest by withdrawing the Writ Appeal filed in this Court. Now the supply is disconnected by the Ele. Board on account of arrears and the full details of the bills are not clear from the records produced in this Court. Since petitioner has purchased the tourist home as a going concern and is given an electric connection, I feel petitioner can contest liability of the previous owners, if there is any ground for the same. Pending contest and settlement of dispute in appeal, petitioner is granted 10 equal monthly instalments to clear the entire balance arrears with statutory rate of

interest. Connection should be restored on payment of first instalment and balance will be payable along with monthly bill from August, 2007 onwards. The dispute between the petitioner and respondents 4 and 5 is left open to be decided in civil court or elsewhere.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge